

EXHIBIT "A"

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 Billy Fox
 District Clerk
 Bowie County, Texas
 Theresa Capps, Deputy

NO. 16C1197-102

DEREK D. SARTIN	§	IN THE DISTRICT COURT
	§	
vs.	§	OF
	§	
ALVIN R. LUNA and LUNA TRUCKING, LLC	§	BOWIE COUNTY, TEXAS

ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT

Comes now, Derek D. Sartin, hereinafter referred to as Plaintiff and files this his Original Petition complaining about Alvin R. Luna and Luna Trucking, LLC and hereinafter referred to as Defendants and as grounds therefore respectfully shows as follows:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

PARTIES AND SERVICE

2. Plaintiff is an individual resident of Bowie County, Texas.
3. Defendants are residents of Valliant, Oklahoma and may be served with process at 3334 Wheeler Road, Valliant, Oklahoma 74764.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court as the Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000 which damages are within the jurisdictional limits of this Court.
5. Jurisdiction and venue are proper in this Court as to Defendants.
6. The subject matter in controversy is within the jurisdictional limits of this court.
7. This court has jurisdiction over Defendants because said Defendants purposefully availed itself of the privilege of conducting activities in the State of Texas and

established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction over Alvin R. Luna and Luna Trucking, LLC will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

8. Plaintiff seeks:

a. only monetary relief over \$200,000 but not more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

9. Venue in Bowie County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county. Venue is also proper under Section 15.002(a)(3) as Bowie County is the Defendant's principal place of business. Venue is proper because the accident made the basis of this suit occurred in Bowie County, Texas and therefore all or a substantial part of the events or omissions giving rights to the claim currently in Bowie County, Texas.

FACTS

10. On or about September 10, 2015 Plaintiff was traveling on Highway 67 in Bowie County, Texas. As he was progressing on such highway, Alvin R. Luna in the scope of employment with Luna Trucking, LLC entered the intersection of County Road 4128 and Highway 67 directly into the path of Plaintiff causing a violent vehicular collision. Plaintiff would show that the accident in question was caused by the negligence of Alvin R. Luna. Plaintiff would show that such Defendant was negligent in at least the following respects:

a. Failure to yield to the right away; and

- b. Failure to keep a proper lookout.

Plaintiff would show that each act of negligence was the proximate cause of the accident in question and in subsequent injuries.

Plaintiff would show that he sustained injuries to his chest, right arm, spine, and head. Plaintiff would show that he has incurred legal damages for the following elements:

- a. Physical pain and anguish sustained in the past;
- b. Physical pain and mental anguish that, in reasonable probability, he will sustain in the future;
- c. Loss of earning capacity sustained in the past;
- d. Loss of earning that, in reasonable probability, he will sustain in the future;
- e. Physical impairment sustained in the past;
- f. Physical impairment that, in reasonable probability, he will sustain in the future;
- g. Medical expenses incurred in the past; and
- h. Medical expenses that, in reasonable probability he will sustain in the future.

Plaintiff would show that Defendant, Alvin R. Luna, is responsible for his negligence as noted above and that Defendant, Luna Trucking, LLC, is responsible for such damages under the doctrine of Respondent Superior as Defendant Alvin R. Luna was operating the truck in the course and scope of his employment at the time of the accident.

ATTORNEY'S FEES

11. Plaintiff would further show that he has been forced to retain the services of the undersigned firm to represent his interest and that Plaintiff should recover his reasonable and necessary attorney's fees.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be sited to appear and answer according to law and that on final trial hereof that he recover just compensation for all his damages together with cost of court, prejudgment interest, post judgment interest and such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

/s/ Gary D. Grimes

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